

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PHILIP R. LUVISI,)	
)	
Claimant,)	IC 03-516592
)	
v.)	ORDER
)	
RICHARD C. STRAUCH,)	
)	
Employer,)	
)	Filed April 11, 2005
and)	
)	
STATE INSURANCE FUND,)	
)	
Surety,)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusion of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant's herniated cervical disc was caused, more probably than not, by the diving incident that occurred on July 22, 2003. Claimant's injury did not arise out of and in the course of his employment and is, therefore, not compensable.
2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all

matters adjudicated.

DATED this __11_ day of __April_____, 2005.

INDUSTRIAL COMMISSION

_____/s/_____
Thomas E. Limbaugh, Chairman

_____/s/_____
James F. Kile, Commissioner

_____/s/_____
R.D. Maynard, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the _11_ day of __April_____, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

RICHARD K DREDGE
PO BOX 9499
BOISE ID 83707-3499

JAMES A FORD
PO BOX 1539
BOISE ID 83701-1539

djb

_____/s/_____